



State of Illinois

# NEWS

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## **Gov. Blagojevich, Attorney General Madigan file lawsuit against U.S. Secretary of Defense Rumsfeld and BRAC Commission to stop the Pentagon from moving F-16s from Springfield's 183<sup>rd</sup> Fighter Wing**

*The Governor takes case to court because any realignment  
without his consent violates federal law*

SPRINGFIELD – Gov. Rod R. Blagojevich and Illinois Attorney General Lisa Madigan filed a lawsuit today in federal court to stop U.S. Secretary of Defense Donald Rumsfeld and the Defense Base Closure and Realignment Commission (BRAC) from moving F-16 aircraft from the 183<sup>rd</sup> Fighter Wing in Springfield. Gov. Blagojevich said that the Pentagon's May 13<sup>th</sup> recommendation to move the F-16 aircraft violated federal law, which dictates that he must give his consent for this type of realignment. Attorney General Madigan filed the lawsuit on behalf of the Governor in United States District Court for the Central Division of Illinois, Springfield Division.

"I have said from the moment the Pentagon released these recommendations that I would do everything humanly possible to keep the F-16 aircraft here in Illinois. We are taking our case to federal court because the Department of Defense did not coordinate this recommendation with either my office or the Illinois Adjutant General. The law leaves no question about how the process should work – Defense Secretary Rumsfeld must have my consent to move the 183<sup>rd</sup> Fighter Wing. I will not give my consent," Gov. Blagojevich said.

"I have made clear that I will take legal action on behalf of the Governor should it become necessary to prevent the realignment of the 183<sup>rd</sup> Fighter Wing in Springfield," Attorney General Madigan said. "Today, as Illinois' chief legal officer, I am taking that action to ensure the Secretary of Defense and BRAC Commissioners adhere to the law. Federal law could not be more clear: no National Guard base closures without the consent of the Governor. Governor Blagojevich certainly has not given his consent and, along with myself, the congressional delegation and the mayor, has fought this realignment. We now will continue this fight in court."

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Gov. Blagojevich sent letters last week to both Defense Secretary Rumsfeld and Defense Base Closure and Realignment Commission (BRAC) Chairman Anthony Principi saying that he will not consent to the Department of Defense's recommendation to move F-16 aircraft from Springfield.

"We live in very uncertain times, and any BRAC actions that would threaten our homeland security would be a grave mistake. The Springfield Air National Guard Base is a unique facility whose missions cannot be duplicated, it has tremendous military value and plays critical roles in ensuring the safety and security of our state and our country. Illinois is home to 11 nuclear power plants that provide 50 percent of our power generation. We have 28 locks and dams on the Illinois, Mississippi and Ohio rivers. These vital assets and many others will be at greater risk without the F-16s in Springfield. In addition, this move will also cost the taxpayers \$10 million. These are the wrong recommendations, at the wrong time and for the wrong reasons and, on top of all that, they are illegal," Gov. Blagojevich said.

Just last week, legal counsel for the BRAC Commission issued a memo in which he fully agreed with the legal arguments that Gov. Blagojevich has been making all along. BRAC Deputy General Counsel Dan Cowhig wrote that no change in the organizational structure of an Air National Guard Unit may take place without the consent of that state's governor.

The Governor has been leading a coordinated effort for more than two years with the Illinois Congressional Delegation, other elected officials and local leaders to prevent Illinois' military bases from ending up on the BRAC list that will be announced in September. He consistently has stressed that these actions are a threat to our national and homeland security and are not cost effective.

"I fully support the action taken by Governor Blagojevich and Attorney General Madigan," said U.S. Senator Dick Durbin (D-IL). "The Defense Department's attempt to realign our state's Air National Guard base is not supported by the Pentagon's own standards of military value, does not have the consent of our Governor and compromises national security. The Constitution explicitly grants the states authority over the militia – and today that means the National Guard. I am confident that the courts will find in our favor and allow the F-16s to remain with the 183<sup>rd</sup> Fighter Wing in Springfield."

"I support all efforts to keep the 183<sup>rd</sup> Air National Guard in Springfield. The men and women of the 183<sup>rd</sup> served Illinois and the entire nation bravely in Iraq, and I believe they should be allowed to continue their service in Illinois. I will continue to work with the delegation here in Washington to protect the 183<sup>rd</sup>, and I am hopeful that together we will be successful in this effort," added U.S. Senator Barack Obama (D-IL).

"I want to applaud Gov. Blagojevich, and everyone else who have been working so hard in this effort, for taking this appropriate legal action to keep the 183<sup>rd</sup> Fighter Wing where it belongs. The Department of Defense violated federal law by making this recommendation, and it must be reversed. This is a critical issue of homeland security for our city, our state and our country," Springfield Mayor Timothy Davlin said.

Gov. Blagojevich presented Illinois' detailed and comprehensive analysis refuting the U.S. Department of Defense's recommendations that would take almost 1,900 jobs from the Rock Island

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Arsenal, strip the 183rd Fighter Wing in Springfield of its F-16 aircraft and more than 600 jobs and eliminate more than 2,000 jobs from the Great Lakes Naval Training Center at a BRAC Regional Hearing last month in St. Louis.

The Commission will publicly release its BRAC report by September 8<sup>th</sup> and will send it to President Bush. The President has until September 23<sup>rd</sup> to approve or disapprove the list. The BRAC list must then be sent to Congress by November 7<sup>th</sup>, who must also approve or disapprove the list.